

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WILLIE SMITH,

Plaintiff,

vs

JOSEPH EUTON,

Defendant.

Civil Action No. 1:12-cv-626

Judge Timothy S. Black

ORDER OF DISMISSAL

More than 120 days have passed since the complaint was filed in this civil action. (Doc. 1). Pursuant to Fed. R. Civ. P. 4(m), “[i]f a service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court . . . shall dismiss the action without prejudice as to that defendant.” On December 31, 2012, Plaintiff was ordered to show why the complaint should not be dismissed for failure of service of process. (Doc. 6). Plaintiff failed to do so. Accordingly, it is hereby **ORDERED** that this civil action is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Date: _____

1/15/13

Timothy S. Black
Timothy S. Black
United States District Judge